

Sample Letter 11: Filing a Complaint with the State Department of Education

Street Address
City, State, Zip Code
Month, Date, Year

Name of Person to Whom You Are Writing
State Department of Education
Street Address
City, State, Zip Code

Dear (name),

I am writing to file a complaint on behalf of my son/daughter, (child's name), regarding his/her education in the (name of school district). The nature of my complaint is as follows:

- Explain the problem with BRIEF statements of fact.
- Consider listing the facts that support your complaint with bullets or numbers.

For the above reasons, I believe the school district is in violation of certain requirements in the Individuals with Disabilities Education Act, specifically: (list the requirements of IDEA you feel the school system has violated. For example,

"The school system has violated the following requirements of the IDEA:

- to consider whether my child needs assistive technology services or devices, as required by Section 300.346;
- to make available to my child assistive technology services and devices, as required by Section 300.308; and
- to include in my child's IEP a statement of the special education, related services and supplementary aids and services, including assistive technology, that he/she needs as required by Section 300.347.")

Enclosed are copies of relevant documents and correspondence I have sent to and received from the school district concerning this matter. These documents are (List the documents you have enclosed, giving the date sent, by whom, to whom, and the issue discussed.)

Please provide me with copies of any information you obtain in the process of investigating my complaint. If you need further information or clarification on my complaint, I can be reached at (give your phone number). Thank you.

Sincerely,

Your name

cc: school district special education director
your child's principal
your advocate/attorney

Enclosures:

Filing a Complaint with the State Department of Education

What's a complaint, and why would I file one?

You've read about two means of resolving conflicts with the school system: mediation and due process. A third means is filing a complaint with the State Education Agency (SEA). Under IDEA, you have the right to file a complaint when you believe that the state or school district has violated a requirement of the IDEA. The SEA must resolve your complaint within 60 calendar days (not business days) from the day they receive it, unless there are exceptional circumstances with respect to the complaint. The complaint process can be effective in resolving conflicts with the school system and is less costly than a due process hearing.

General information about the state complaint procedure is available in NICHCY's publication called *Questions and Answers about IDEA* (see Question #27). Contact your SEA for information about policies in your state. Whenever you file a complaint (or seek mediation or due process), it is a good idea as well to seek advice from the Parent Training and Information Center (PTI), the Protection and Advocacy Agency (P&A) in your state, or the Arizona Department of Education Parent Information Network Specialist for your region, 800-352-4558 or 602-364-4015. These organizations are listed on NICHCY's *State Resource Sheet* for your state and are available by calling NICHCY at 800-695-0285 or visiting our web site: www.nichcy.org.

You can file a complaint with the SEA about any of the matters for which you might otherwise file a request for a due process hearing, as

well as for any other reason you feel that the school system has violated the IDEA. However, be aware that, if you write a complaint on an issue that is also part of a current due process hearing, the SEA will not investigate this issue. The due process hearing takes precedence over the complaint process. The SEA will only investigate those issues in your complaint that are not part of your due process hearing. Some examples of issues you might write a complaint letter about include:

- Your child is denied the opportunity to attend or participate in school-sponsored events, such as field trips or after school activities.
- Your child has a shorter school day, because the special education students arrive later or are dismissed from school earlier than the general education students are.
- You use mediation to resolve a disagreement with the school, but the school fails to implement the signed agreement.
- The school fails to give you appropriate prior written notice. Or,
- You have a decision from a hearing officer that the school district is not implementing.

How do I file a complaint with the State Department of Education?

Your state's policies for filing a complaint should be included in its IDEA regulations. Call your local special education office, or the SEA Flagstaff, 928-226-0946, Phoenix, 602-364-4003, or Tucson, 520-628-6330, if you need more information about the policies. Also ask for the name and address of the person to whom you should write your letter. Your complaint must be signed. It must also contain:

- a statement that a public agency (for example, your school system) has violated a requirement of Part B of the IDEA or its regulations, and
- the facts on which you base this statement.

Note that it is important to state what requirement of the law has been violated. The PTI or P&A in your state can help you identify the specific sections of IDEA to list in your complaint.